

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 AGENDA HEARING

8 - - - - - X

9

10 Wednesday, March 9, 2016

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12               Whereupon, the above referenced matter  
13    came on for hearing at the Alcoholic Beverage  
14    Control Board, Reeves Center, 2000 14th Street,  
15    N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 OTHER PERSONS PRESENT:

5 NICK ALBERTI, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7 JAMES SHORT, BOARD MEMBER

8 MIKE SILVERSTEIN, BOARD MEMBER

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1 P R O C E E D I N G S

2 [Time 6:32:p.m.]

3 CHAIRPERSON ANDERSON: The first matter  
4 on our legal agenda is a Review of Second Motion  
5 for Reinstatement of Protest, for Mike's Market,  
6 Trinidad Market, License #100653. I make a  
7 motion that we deny this request. Is there a  
8 second?

9 MR. SHORT: Second.

10 CHAIRPERSON ANDERSON: Mr. Short has  
11 seconded the motion. Those in favor say Aye.  
12 [chorus of ayes] Those opposed.

13 MS. MILLER: Opposed. I'd like to speak  
14 to it.

15 CHAIRPERSON ANDERSON: Go ahead. The  
16 matter passed 3 to one with Ms. Miller in  
17 opposition. Yes, Ms. Miller?

18 MS. MILLER: This is a motion for  
19 reinstatement of a protest, I think it's the  
20 second one that's been filed by an ANC  
21 commissioner who failed to attend a status  
22 hearing and the reason was that her sister was

1 diagnosed with stage IV carcinoid cancer and she  
2 was one of the primary caregivers and she says in  
3 this letter that her sister was in a lot of pain  
4 and she was so distressed she just forgot about  
5 this hearing. In any event, I think if there's  
6 anything, if anything is good cause that this is  
7 good cause, and so that is why I would certainly  
8 according to the motion for reconsideration as a  
9 result of the whole community just had vanished  
10 because of a protest that was dismissed.

11 CHAIRPERSON ANDERSON: Thank you for your  
12 representation, Ms. Miller.

13 MS. MILLER: Thank you.

14 CHAIRPERSON ANDERSON: The second matter  
15 is a review of a letter from the Metropolitan  
16 Police Department, Chief of Police requesting  
17 the Board schedule a Fact Finding Hearing for U  
18 Street Music, LLC, license No. 083219. I make a  
19 motion that we postpone to review this for two  
20 weeks pending receipt of an investigative report.  
21 Is there a second?

22 MS. MILLER: Second.

1 CHAIRPERSON ANDERSON: Ms. Miller  
2 seconded the motion. Those in favor say Aye.  
3 [chorus of ayes] Those opposed? [No audible  
4 response.] The matter passed 4-zero-zero.

5 The next matter is Review of Petition to  
6 Terminate Two Settlement Agreements for Marleny's  
7 Restaurant and Carryout, License No. 077454. I  
8 make a motion that this matter be placarded. Is  
9 there a second?

10 MR. ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti has  
12 seconded the motion. Those in favor say Aye.  
13 [chorus of ayes] Those opposed? [No audible  
14 response.] The matter passed 4-zero-zero.

15 The next matter is Review of Settlement  
16 Agreement between Craft Beer Cellar DC, License  
17 No. 100882, I make a motion that we approve the  
18 settlement agreement. Is there a second?

19 MR. ALBERTI: Second.

20 CHAIRPERSON ANDERSON: Mr. Alberti  
21 seconded the motion. Those in favor say Aye.  
22 [chorus of ayes] Those opposed? [No audible

1 response.] The matter passed 4-zero-zero.

2 We now move to our licensing agenda.

3 The first matter is to Review Application  
4 for Safekeeping of Noodles & Company, I make a  
5 motion that we approve the request to place the  
6 license in safekeeping through September 30,  
7 2016. Is there a second?

8 MR. ALBERTI: Second.

9 CHAIRPERSON ANDERSON: Mr. Alberti  
10 seconded the motion. All those in favor say aye.  
11 [chorus of ayes] Those opposed? [No audible  
12 response.] The matter passed 4-zero-zero.

13 On the matter Review Request to Extend  
14 Safekeeping for L'Enfant Plaza Hotel. I make a  
15 motion that we approve the safekeeping request  
16 through September 30, 2016. Is there a second?

17 MR. SHORT: Second.

18 CHAIRPERSON ANDERSON: Mr. Short has  
19 seconded the motion. All those in favor say aye  
20 [chorus of ayes]. Those opposed? [No audible  
21 response.] The matter passed 4-zero-zero.

22 The next matter to Review a Request to

1 Change Hours for a dance place, License No.  
2 095396. I make a motion that this matter be  
3 approved. Is there a second?

4 MR. ALBERTI: Second.

5 CHAIRPERSON ANDERSON: Mr. Alberti  
6 seconded the motion. Those in favor say Aye.  
7 [chorus of ayes] Those opposed? [No audible  
8 response.] The matter passed 4-zero-zero.

9 The next matter is to Review a Request  
10 for Change of Hours for The Sea Catch, License  
11 No. 010810. I make a motion that we approve this  
12 matter. Is there a second?

13 MR. ALBERTI: Second.

14 CHAIRPERSON ANDERSON: Mr. Alberti  
15 seconded the motion. Those in favor say Aye.  
16 [chorus of ayes] Those opposed? [No audible  
17 response.] The matter passed 4-zero-zero.

18 The next matter is the Review of Request  
19 for Change of Hours for Bistro Lepic License No.  
20 021918. I make a motion that we placard this  
21 matter. Is there a second?

22 MR. ALBERTI: Second.

1 CHAIRPERSON ANDERSON: Mr. Alberti has  
2 seconded the motion. Those in favor say Aye.  
3 [chorus of ayes] Those opposed? [No audible  
4 response.] The matter passed 4-zero-zero.

5 The next matter is Review Application for  
6 Entertainment Endorsement to include Live  
7 Entertainment and Dancing for Golden Paradise  
8 Restaurant, License No. 098205. I make a motion  
9 that we placard this matter. Is there a second?

10 MR. ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti  
12 seconded. All those in favor say aye. [chorus  
13 of ayes] Those opposed? [No audible response.]  
14 The matter passed 4-zero-zero.

15 The next matter is a Review of Request to  
16 expand Sidewalk Cafe seating for Nooslui, License  
17 No. 024470. I make a motion that we placard this  
18 matter. Is there a second?

19 MS. MILLER: Second.

20 CHAIRPERSON ANDERSON: Ms. Miller has  
21 seconded the motion. Those in favor say Aye.  
22 [chorus of ayes] Those opposed? [No audible



1 response.] The matter passed 4-zero-zero.

2 The next matter is to Review a Request to  
3 update temporary ABC license for DC Eagle,  
4 License No. 093984. I mention this just as an  
5 FYI.

6 We now move to our supplemental Licensing  
7 Agenda.

8 The first request is a Request for  
9 Temporary Operating Retail Permit (TORP) for  
10 Rumors Restaurant, License No. 100517. This  
11 matter is deemed moot.

12 The next matter on our agenda is Review  
13 of Request to Reinstate Cancelled License for  
14 Stetsons, License No. 060455. I make a motion  
15 that we approve the request to reinstate the  
16 license to place it in safekeeping and for the  
17 applicant to pay the appropriate safekeeping  
18 fees. Is there a second?

19 MR. SHORT: Second.

20 CHAIRPERSON ANDERSON: Mr. Short has  
21 seconded the motion. Those in favor say Aye.  
22 [chorus of ayes] Those opposed? One opposed.

1 The matter passed 3-1 with Mr. Alberti in  
2 opposition.

3 The next matter is Review Application for  
4 Class Change from Retailer for ABC Grocery,  
5 License No. 071204. I make a motion that the  
6 matter be placarded. Is there a second?

7 MR. ALBERTI: Second.

8 CHAIRPERSON ANDERSON: Mr. Alberti has  
9 seconded the motion. Those in favor say Aye.  
10 [chorus of ayes] Those opposed? The matter  
11 passed 4-zero-zero.

12 The next matter is just a Review of a  
13 Letter from Stephen J. Whelan of The Veritas Law  
14 Firm regarding Uptown Wine and Spirits, License  
15 No. 024362. This is just an FYI.

16 The next matter is to Review Request for  
17 Change of Hours for On-Site Sales and Consumption  
18 and Tasting. DC Brau Brewing, License No. 085083.  
19 I make a motion that we approve this matter. Is  
20 there a second?

21 MR. SHORT: Second.

22 CHAIRPERSON ANDERSON: Those in favor say

1   aye.   [chorus of ayes]   Those opposed?   [No  
2   audible response.]   The matter passed 4-zero-  
3   zero.   The next matter is also to Review Request  
4   for Entertainment Endorsement DC Brau Brewing,  
5   License No.085083.   I make a motion that we  
6   approve this matter.   Is there a second?

7               MR. ALBERTI:   Second.

8               CHAIRPERSON ANDERSON:   Mr. Alberti has  
9   seconded.   Those in favor say aye.   [chorus of  
10   ayes]   Those opposed?   [No audible response.]  
11   The matter passed 4-zero-zero.

12              The next matter is Review Application for  
13   Summer Garden for DC Brau Brewing, License No.  
14   085083.   I make a motion that this matter be  
15   approved.   Is there a second?

16              MR. SHORT:   Second.

17              CHAIRPERSON ANDERSON:   Mr. Short has  
18   seconded.   Those in favor say aye.   [chorus of  
19   ayes]   Those opposed?   [No audible response.]  
20   The matter passed 4-zero-zero.

21              The next matter is Review Request for  
22   Change of Hours for Jos.A. Magnus & Co., License

1 No. 097825. I make a motion that we approve this  
2 matter. Is there a second?

3 MR. ALBERTI: Second.

4 CHAIRPERSON ANDERSON: Mr. Alberti  
5 seconded. Those in favor say Aye. [chorus of  
6 ayes] Those opposed? [No audible response.]  
7 The matter passed 4-zero-zero.

8 Review Request for Entertainment  
9 Endorsement for, again, Jos. A. Magnus & Co.,  
10 License No. 097825. I make a motion that we  
11 approve this matter. Is there a second?

12 MR. ALBERTI: Second.

13 CHAIRPERSON ANDERSON: Mr. Alberti  
14 seconded the motion. Those in favor say Aye.  
15 [chorus of ayes] Those opposed? [No audible  
16 response.] The matter passed 4-zero-zero.

17 Next matter is Review Application for  
18 Summer Garden for Hellbender Brewing Company LLC,  
19 License No. 093500. I make a motion that we  
20 approve this request. Is there a second?

21 MR. SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short seconded

1 the motion. Those in favor say Aye. [chorus of  
2 ayes] Those opposed? [No audible response.]  
3 The matter passed 4-zero-zero.

4 The next matter is Review Request for  
5 Change of Hours of Operation for, again,  
6 Hellbender Brewing Company LLC, License No.  
7 093500. I make a motion that we approve this  
8 matter. Is there a second?

9 MS. MILLER: Second.

10 CHAIRPERSON ANDERSON: Ms. Miller  
11 seconded the motion. Those in favor say Aye.  
12 [chorus of ayes] Those opposed? [No audible  
13 response.] The matter passed 4-zero-zero.

14 That concludes our agenda. As  
15 Chairperson of the Alcoholic Beverage Control  
16 Board for the District of Columbia and in  
17 accordance with D.C. Official Code §2-547(b)  
18 Closed meetings and 2-574 Notice of meetings of  
19 the Open Meetings Act, I move that the ABC board  
20 hold a closed meeting on March 16, 2016, for the  
21 purpose of discussing and hearing reports  
22 concerning ongoing or planned investigations of

1   alleged criminal or civil misconduct or  
2   violations of the law and regulations and seeking  
3   legal advice from our counsel on The Board's  
4   investigative and legal licensing agenda for  
5   March 16, 2016, as published in the D.C. Register  
6   on March 11, 2016. Is there a second?

7           MR. ALBERTI: Second.

8           CHAIRPERSON ANDERSON: Mr. Alberti has  
9   seconded the motion. I will now take a roll call  
10   for the motion before us now that it has been  
11   seconded. Ms. Miller?

12          MS. MILLER: I approve.

13          CHAIRPERSON ANDERSON: Mr. Alberti?

14          MR. ALBERTI: I agree.

15          CHAIRPERSON ANDERSON: Mr. Short?

16          MR. SHORT: I agree.

17          CHAIRPERSON ANDERSON: Mr. Silverstein?

18          MR. SILVERSTEIN: I agree.

19          CHAIRPERSON ANDERSON: Mr. Anderson? I  
20   agree. The matter passed 5-zero-zero. As it  
21   appears that the motion has passed I hereby give  
22   notice that the ABC board will hold the

1   aforementioned closed meeting, pursuant to Open  
2   Meetings Act and notice will also be posted on  
3   the ABC board hearing room bulletin board, placed  
4   on the electric calendar of ABRA's website and  
5   published in the D.C. Register in as timely a  
6   manner as practicable.  It's 6:52 and we are now  
7   adjourned for the day.  Thank you.

[Time 6:52 p.m.]